



4014.10-1

1

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of )

TEHRANI, AMIR J. )

Serial No.: 10/686,891 )

Group Art Unit: 3762

Filed: October 15, 2003 )

Examiner: ALTER, Alyssa M.

For: BREATHING DISORDER  
DETECTION AND THERAPY  
DELIVERY DEVICE AND METHOD

Confirmation No.: 7544

Customer No. 23308

COMMISSIONER FOR PATENTS  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450

Sir:

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 15, 2006.

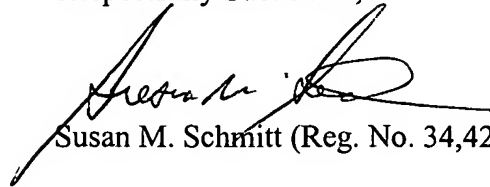
  
Melinda Tompkins

**STATEMENT OF SUBSTANCE OF INTERVIEW**

An interview was conducted on February 9, 2006. Examiner Alter and Examiner Layno were present as well as Rose Province, Amir Tehrani, and Susan Schmitt, Applicant's attorney. Applicant demonstrated techniques for controlling respiration by controlling a diaphragm response. Various art was discussed. Testermann was discussed to the extent that it does not disclose electrical stimulation to elicit a diaphragm response. Applicant did not attempt to discuss specific claims to arrive at a substantive agreement in view of Examiner Alter's indication that a further restriction of the claims would be made. Thus, an

amendment will be filed to respond to the restriction in due course and discussion of the claims further pursued at that time.

Respectfully Submitted,

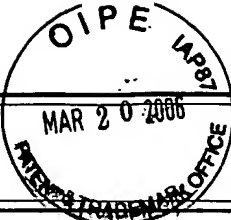


Susan M. Schmitt (Reg. No. 34,427)

Dated: March 15, 2006

PETERS, VERNY, JONES, SCHMITT & ASTON, LLP  
425 Sherman Avenue, Suite 230  
Palo Alto, CA 94306  
Telephone: (650) 324-1677  
Facsimile: (650) 324-1678  
Customer No.: 23308  
Attorney Docket No.: 4014.10-1 (SMS)

JPW



**TRANSMITTAL LETTER**  
**(General - Patent Pending)**

Docket No.  
4014.10-1

In Re Application Of: **TEHRANI, AMIR J.**

| Application No. | Filing Date | Examiner         | Customer No. | Group Art Unit | Confirmation No. |
|-----------------|-------------|------------------|--------------|----------------|------------------|
| 10/686,891      | 10/15/2003  | ALTER, ALYSSA M. | 23308        | 3762           | 7544             |

Title: **BREATHING DISORDER DETECTION AND THERAPY DELIVERY DEVICE AND METHOD**

COMMISSIONER FOR PATENTS:

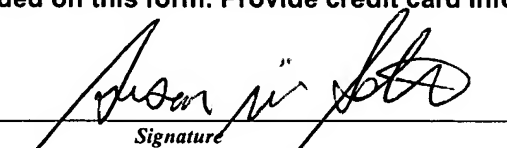
Transmitted herewith is:

1. TRANSMITTAL LETTER;
2. STATEMENT OF SUBSTANCE OF INTERVIEW; AND
3. POSTCARD.

in the above identified application.

- ☐ No additional fee is required.
- ☐ A check in the amount of \_\_\_\_\_ is attached.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. **16-1331** as described below.
- ☐ Charge the amount of \_\_\_\_\_
- ☐ Credit any overpayment.
- ☒ Charge any additional fee required.
- ☐ Payment by credit card. Form PTO-2038 is attached.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

  
Signature

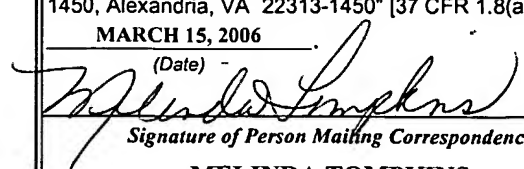
SUSAN M. SCHMITT (REG. NO. 34,427)  
PETERS, VERNY, JONES, SCHMITT & ASTON LLP  
425 SHERMAN AVENUE, SUITE 230  
PALO ALTO, CA 94306  
TEL: (650) 324-1677  
FAX: (650) 324-1678

Dated: **MARCH 15, 2006**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on

**MARCH 15, 2006**

(Date)

  
Signature of Person Mailing Correspondence

**MELINDA TOMPKINS**

Typed or Printed Name of Person Mailing Correspondence

CC: